

**REMARKS**

Claims 20-39 are pending in the application, are rejected, and are at issue.

The claims are rejected as indefinite with respect to use of the term “operatively associated with” in the independent claims. This term is commonly used in patent claims and is intended to identify a relationship among elements that they are associated for operation relative to one another as further described in the claims. There is nothing indefinite about the term. Nevertheless, to facilitate advancement of the case, the word “operatively” is deleted from the claims by this amendment.

Claims 22, 25, 32 and 37 were indicated as allowable and are rewritten in independent form by this amendment and should be allowed.

Applicants traverse the rejection of claims 20, 21, 23, 24, 26-31, 33-36, 38 and 39 as anticipated by Pracht et al. and claim 26 as obvious over Pracht et al.

The rejection is effectively moot based on the amendments to independent claims 20, 34 and 38 herein.

Applicants have previously presented arguments in the parent application with respect to its position on the distinguishing factors between the basic invention described herein and that of Pracht et al. These arguments and comments are incorporated herein, but are not otherwise discussed as there are other distinguishing factors which further support patentability.

The action incorrectly describes the teaching of Pracht et al. with respect to joining between panels. Particularly, Fig. 7 of Pracht et al. is a cross-section of a vertical seam

between prefabricated architectural panels 22. Each panel includes a facia sheet 28 secured to a frame. Spacer strips 46 are secured by an adhesive between the frame and facia sheets.

“A backer rod 74, which is formed of a strip of synthetic foam material is forced into the gap 76 between adjacent panels. Backer rod 74 is initially larger than gap 76, causing it to be compressed as it is installed. Caulk 78 is then installed over backer rod 74, filling the space between facia sheets 42 located on adjacent panels 22.” See column 5, lines 10-16.

In effect, the adjacent facia sheets and the backer rod form a generally rectangular mold into which the caulk is filled. The backer rod 74 is separate from and it is not adhered to the spacers 46 and both are separate elements from the caulk 78. The spacer strips 46 are not locking portions in any sense, and more particularly, do not comprise a portion of a continuous flexible gasket, as recited in the action, and are not connected to the backer rod. The backer rod is simply providing a backing for the caulk. Additionally, the action refers to the bead of caulk 78 as a rotation-accommodating face cap. The caulk is not a cap over anything, let alone a rotation accommodating face cap.

Independent claim 20 specifies an earthquake-immune exterior wall system for use with a multi-story building structure comprising a plurality of exterior wall panels and a plurality of structural connectors. A plurality of elongate seismic decoupler joints each comprise the sole connection between the exterior wall panels on any one story to the exterior wall panels on an adjacent story of the multi-story building structure. Each seismic decoupler joint is of one piece and spans an entire width of the any one story and is mechanically interlocked to the

exterior wall panels. The decoupler joints permit free in-plane, out-of-plane, and vertical interstory movement of the exterior wall panels in any one story relative to the exterior wall panels on an adjacent story of the multi-story building structures so that loads are not transferred between the exterior wall panels on any one story to the exterior wall panels on the adjacent story of the multi-story building structure if the building structure undergoes swaying motion.

The deficiencies with respect to Pracht et al. and the basic operation of the seismic decoupler joint have been previously set forth to the Examiner in the parent application and are not repeated herein.

Pracht et al. does not disclose a seismic decoupler joint being of one piece and spanning an entire width of a story or a seismic decoupler joint being mechanically interlocked to exterior wall panels. The spacer strips 46 serve no part in connecting one exterior wall panel to another exterior wall panel. They provide and maintain a desired spacing between a facia sheet and a structural frame. The backer rods 74 and caulk 78 in Pracht et al. are not mechanically interlocked to any exterior wall panel. The backer rod is held in place by compression. The caulk has adhesive properties that adhere to the surface of the facia sheets and the backer rod. The caulk does not provide any mechanical interlock. More particularly, as is apparent, the caulk would disconnect responsive to in-plane, out-of-plane and vertical interstory movement of the exterior wall panels and thus do not form part of an earthquake-immune exterior wall system. Indeed, Pracht et al. is directed to manufacture of prefabricated panels. There is no discussion as to any aspect that would correspond to the claimed decoupler joint as an element of an earthquake-immune exterior wall system. Instead, Pracht et al. simply discloses the use of a

conventional bead of caulk for sealing joints between adjacent panels to provide a weather tight wall surface. A weather tight wall surface is distinct from an earthquake-immune exterior wall system using decoupler joints permitting free in-plane, out-of-plane and vertical interstory movement of exterior wall panels on one story relative to those on another story.

For the above reasons, claim 20 is not anticipated or obvious over Pracht et al. and should be allowed.

Claims 21, 23, 24, 26-31 and 33 depend from claim 20 and are believed allowable for the same reasons therefor. Additionally, claim 24 specifies that the seismic decoupler joint comprise an elongate central portion connected between opposite elongate locking portions, the locking portions for connection to the exterior wall panels. As discussed above, Pracht et al. uses a bead of caulk in a generally rectangular form. There are no opposite locking portions connecting to a central portion. Claim 24 is believed allowable for this reason as well. With respect to claim 31, Pracht et al. does not disclose an elongate rotation-accommodating face cap. Claim 31 is believed allowable for this reason as well.

Claim 33 specifies that each elongate seismic decoupler joint comprises an elongate flexible planar element rolled between the exterior wall panels. There is no such flexible planar element rolled between exterior wall panels in Pracht et al. Claim 33 is believed allowable for this reason as well.

Independent claim 34 specifies an earthquake-immune exterior wall system including a plurality of exterior wall panels and a plurality of structural connectors. A plurality of elongate seismic decoupler joint means each flexibly couple and provide the sole connection

between the exterior wall panels on any one story to the exterior wall panels on any adjacent story of the multi-story building structure. Each seismic decoupler joint means is mechanically interlocked to the exterior wall panel. The decoupler joint means permit free in-plane, out-of-plane and vertical interstory movement of the exterior wall panels on any one story relative to the exterior wall panels in any adjacent story of the multi-story building structure while remaining coupled to the exterior wall panels so that loads are not transferred between the exterior wall panels on any one story to the exterior wall panels on an adjacent story of the multi-story building structure if the building structure undergoes swaying motion.

The overall dissimilarity between Pracht et al. and claim 34 were stated in the parent application and are not repeated herein. Additionally, Pracht et al. does not disclose or suggest any seismic decoupler joint means being mechanically interlocked to exterior wall panels such that they remain coupled to the exterior wall panels so that loads are not transferred, as recited in the claim. The only corresponding joint means in Pracht et al. is the bead of caulk and backer rod. There is no mechanical interlocking provided by either the bead of caulk or the backer rod. As discussed above, the spacer strips do not function to provide any connection between adjacent panels. The bead of caulk is not mechanically interlocked to any panels. It would separate from adjacent panels if the building structure undergoes swaying motion. It would not remain coupled.

For the above reasons, claim 34 and dependent claims 35 and 36 are not anticipated or obvious over Pracht et al. and should be allowed.

Independent claim 38 specifies an earthquake-immune exterior wall system for use with a multi-story building structure comprising a plurality of exterior wall panels and a plurality of structural connectors. A plurality of elongate, flexible seismic decoupler joints are removably securable using a mechanical interlock to and comprising the sole connection between the exterior wall panels and any one story to the exterior wall panels on an adjacent story of the multi-story building structure.

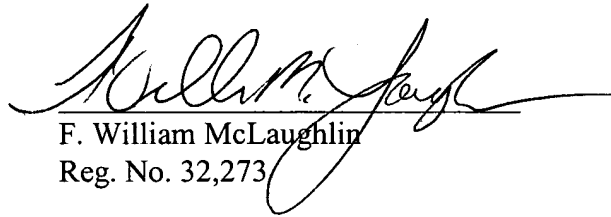
Claim 38 is believed allowable for the same reasons discussed in the parent application, which are not repeated herein. Additionally, Pracht et al. does not disclose any mechanical interlock used in connection with any type of joint. Instead, the flexible gasket in the form of the bead of caulk 78 in Pracht et al. does not use a mechanical interlock but rather an adhesive like connection to provide a seal between adjacent panels to provide a weather-tight wall surface. It is not an earthquake-immune exterior wall system which permits free in-plane, out-of-plane and vertical interstory movement so that loads are not transferred between exterior wall panels on one story to wall panels on an adjacent story if a building structure undergoes swaying motion.

For the above reasons, independent claim 38 and its dependent claim 39 are not anticipated or obvious over Pracht et al. and should be allowed.

Reconsideration of the application and allowance and passage to issue are  
requested.

Respectfully submitted,

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